

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHER DISTRICT OF TEXAS
HOUSTON DIVISION**

**THE ESTATE OF ALTHEA BROWN – §
DECEASED and JESSE ARPS – §
SUCCESSOR IN INTERESSET TO §
ALTHEA BROWN §**

v. §

PHH MORTGAGE CORPORATION §

CIVIL ACTION NO. 4:22-CV-3824

MOTION TO DISMISS WITHOUT PREJUDICE

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Texas Rules of Civil Procedure, Plaintiff hereby files his Motion to Dismiss without prejudice and would respectfully show the Court as follows:

1. Plaintiff filed his Original Petition, Application for Injunctive Relief, and Request for Disclosures in the 152nd Judicial Court of Harris County, Texas on September 1, 2022.
2. Plaintiff no longer wishes to pursue his causes of action against Defendant at this time.
3. Accordingly, Plaintiff request that the Court dismiss this lawsuit without prejudice against filing the same in the future.
4. Defendant is not opposed to this filing or the relief requested herein.

WHEREFORE, PREMISES CONSIDERED, Plaintiff request that the Court enter the attached Order dismissing the above-entitled and numbered cause without prejudice, with costs of court being assessed against the party incurring same.

Respectfully Submitted by,

Law Office of Erick DeLaRue, PLLC

By: /s/ Erick DeLaRue

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I hereby certify that a conference was had with Defendant's counsel on April 5, 2023 regarding the merits of this motion and they are not opposed.

/s/ Erick DeLaRue

ERICK DELARUE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent to all counsel of record in accordance with the Texas Rules of Civil Procedure on this the 6th day of April, 2023.

/s/ Erick DeLaRue

ERICK DELARUE